

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Unlicensed Use of the 6 GHz Band)	ET Docket No. 18-295
)	
Expanding Flexible Use in Mid-Band Spectrum)	GN Docket No. 17-183
Between 3.7 and 24 GHz)	

**COMMENTS OF NEXTERA ENERGY, INC.
IN SUPPORT OF REQUEST FOR STAY**

NextEra Energy, Inc. (“NextEra”)¹ by its attorneys, hereby files its comments in the above-referenced proceeding, in support of the Request for Stay filed on December 7, 2021 by Utilities Technology Council, Edison Electric Institute, American Gas Association, American Petroleum Institute, American Public Power Association, American Water Works Association, National Rural Electric Cooperative Association, International Association of Fire Chiefs, American Association of Railroads, APCO International, Nuclear Energy Institute, and National Public Safety Telecommunications Council (“Petitioners”).²

NextEra strongly supports an immediate stay of any equipment authorization of unlicensed 6 GHz low power indoor (“LPI”) devices, including the marketing, sale, and

¹ NextEra is a leading energy company headquartered in Juno Beach, Florida. NextEra owns subsidiaries Florida Power & Light Company (“FPL”) and NextEra Energy Resources, LLC (“NEER”). FPL is the largest rate-regulated electric utility in the United States as measured by retail electricity produced and sold, serving more than 5.6 million customer accounts supporting more than 11 million residents across Florida with clean, reliable and affordable electricity. NEER is a competitive clean energy business, which together with its affiliates, is the world’s largest generator of renewable energy from the wind and sun and a world leader in battery storage. A Fortune 200 company and included in the S&P 100 index, NextEra has been recognized often by third parties for its efforts in sustainability, corporate responsibility, ethics and compliance, and diversity. NextEra and its subsidiaries are the holders of a number of Federal Communications Commission (“FCC”) wireless licenses in the 6 GHz band to support the company’s operations across the United States.

² Utilities Technology Council, *et al.*, Request for Stay, ET Docket No. 18-295 and GN Docket No. 17-183, December 7, 2021 (“Request for Stay”).

importation of such devices already authorized by the Commission, as well as any such devices authorized going forward. NextEra requests that the stay remain in effect until such time as the FCC has completed a further rulemaking to develop a new set of rules for the operation of unlicensed operations in the 6 GHz band in response to the Petition for Rulemaking filed in this proceeding by the Petitioners on December 7, 2021.³

The requested stay is required on the basis of real-world interference testing of unlicensed 6 GHz LPI devices that demonstrate that these devices will cause significant and widespread interference to licensed microwave systems in the band.⁴ NextEra operates a number of microwave systems in the 6 GHz band across the country for significant electric service transmission and generation facilities.⁵ Real-world testing indicates that the risk of interference to licensed microwave systems from 6 GHz LPI devices operating at or below 5 dBm/MHz PSD is significant, as the devices transmit beacon signals nearly constantly and alone are capable of interfering with nearby licensed microwave systems as well as transmitting broadband signals that were proven to cause harmful interference. Moreover, the FCC's rules do not account for

³ Utilities Technology Council, *et al.*, Petition for Rulemaking, ET Docket No. 18-295 and GN Docket No. 17-183, December 7, 2021 ("Petition for Rulemaking").

⁴ See Letter from Larry Butts, Manager, Telecom Engineering, Southern Company Services, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission in ET Docket No. 18-295 and GN Docket No. 17-183 (filed June 23, 2021); and see Attachment A: Test Report on the Effects of 6 GHz Unlicensed RLAN Units on Fortson to Columbus Microwave Link June 21, 2021, available at <https://www.fcc.gov/ecfs/filing/106231367519302>.

⁵ For example, NextEra subsidiary NextEra Energy Transmission, LLC ("NEET") owns and operates Trans Bay Cable, a fifty-three-mile underwater electric transmission cable that travels under San Francisco Bay in California. NEET utilizes a microwave system with frequencies licensed by the FCC in the 6 GHz band to support the safe and reliable operations of this electric service transmission facility. In addition, NextEra subsidiary FPL utilizes the 6 GHz band to provide network diversity for operations across its 30,000 square miles plus service area, including a number of large nuclear and natural gas generation facilities: Turkey Point (nuclear and natural gas), St. Lucie (nuclear), Martin (natural gas and solar), and the Okeechobee Clean Energy Center (natural gas, planned solar and hydrogen). Communication services utilizing 6 GHz frequencies at these locations include network voice and data communications and plant control communications. These communications services are critical to ensuring required communications with the Nuclear Regulatory Commission ("NRC") and Florida state government agencies and safe operations for these facilities.

the presence of beacon signals, and the duty cycle has been revealed to be much greater than what the FCC was led to believe earlier in this proceeding.

Accordingly, a stay is necessary to protect NextEra's licensed microwave systems from harmful interference in the band, and NextEra will suffer imminent, substantial, and irreparable harm absent grant of the relief sought, given that 6 GHz LPI devices have already been certified by the FCC and additional devices are pending approval. Clean, safe, and reliable electric service provided by NextEra and its subsidiaries is critical to our nation's public health, welfare, and safety. The Commission should not take the risk imposed by unlicensed users in the 6 GHz band lightly based on commercial inconvenience to such users, and the FCC should ensure that no harmful interference results for critical infrastructure providers such as NextEra.

NextEra thanks the FCC for the opportunity to file these comments in support of the Petitioners' Request for Stay and appreciates the FCC's consideration on these important issues.

Respectfully submitted,

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